

port or place within the EEZ. For the purpose of this rule, a transit by a vessel from a United States port to any other United States port, if at any time the vessel operates outside the EEZ or equivalent zone of Canada, is also considered a voyage.

Waters of the United States means waters subject to the jurisdiction of the United States as defined in 33 CFR §2.05–30, including the navigable waters of the United States. For this regulation, the navigable waters include the territorial sea as extended to 12 nautical miles from the baseline, pursuant to Presidential Proclamation No. 5928 of December 27, 1988.

§ 151.2030 Who is responsible for determining when to use the safety exemption?

(a) The master, operator, or person-in-charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers.

(b) The master, operator, or person-in-charge of a vessel is not required to conduct a ballast water management practice (including exchange), if the master decides that the practice would threaten the safety of the vessel, its crew, or its passengers because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. If the master uses this section, and the—

(1) Vessel is on a voyage to the Great Lakes or Hudson River, the vessel must comply with the requirements of §151.1514 of subpart C of this part (Ballast water management alternatives under extraordinary conditions); or

(2) Vessel is on a voyage to any port other than the Great Lakes or Hudson River, the vessel shall not be required to perform a ballast water management practice which the master has found to threaten the safety of the vessel, its crew, or its passengers because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions.

(c) Nothing in this subpart relieves the master, operator, or person-in-charge of a vessel, of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

§ 151.2035 What are the voluntary ballast water management guidelines?

(a) Masters, owners, operators, or persons-in-charge of all vessels equipped with ballast water tanks that operate in the waters of the United States are requested to take the following voluntary precautions to minimize the uptake and the release of harmful aquatic organisms, pathogens, and sediments:

(1) Avoid the discharge or uptake of ballast water in areas within or that may directly affect marine sanctuaries, marine preserves, marine parks, or coral reefs.

(2) Minimize or avoid uptake of ballast water in the following areas and situations:

(i) Areas known to have infestations or populations of harmful organisms and pathogens (e.g., toxic algal blooms).

(ii) Areas near sewage outfalls.

(iii) Areas near dredging operations.

(iv) Areas where tidal flushing is known to be poor or times when a tidal stream is known to be more turbid.

(v) In darkness when bottom-dwelling organisms may rise up in the water column.

(vi) Where propellers may stir up the sediment.

(3) Clean the ballast tanks regularly to remove sediments. Clean the tanks in mid-ocean or under controlled arrangements in port, or at dry dock. Dispose of your sediments in accordance with local, State, and Federal regulations.

(4) Discharge only the minimal amount of ballast water essential for vessel operations while in the waters of the United States.

(5) Rinse anchors and anchor chains when you retrieve the anchor to remove organisms and sediments at their place of origin.

(6) Remove fouling organisms from hull, piping, and tanks on a regular basis and dispose of any removed substances in accordance with local, State and Federal regulations.

(7) Maintain a ballast water management plan that was developed specifically for the vessel.

(8) Train the master, operator, person-in-charge, and crew, on the application of ballast water and sediment

management and treatment procedures.

(b) In addition to the provisions of § 151.2035(a), you (the master, operator, or person-in-charge of a vessel) are requested to employ at least one of the following ballast water management practices, if you carry ballast water into the waters of the United States after operating beyond the EEZ:

(1) Exchange ballast water beyond the EEZ, from an area no less than 200 nautical miles from any shore, and in waters more than 2,000 meters (6,560 feet, 1,093 fathoms) deep, before entering waters of the United States.

(2) Retain the ballast water on board the vessel.

(3) Use an alternative environmentally sound method of ballast water management that has been approved by the Coast Guard before the vessel begins the voyage. Submit the requests for approval of alternative ballast water management methods to the Commandant (G-MSO-4), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. The phone number is 202-267-0500.

(4) Discharge ballast water to an approved reception facility.

(5) Under extraordinary conditions, conduct a ballast water exchange within an area agreed to by the COTP at the time of the request.

§ 151.2040 What are the mandatory requirements for vessels carrying ballast water into the waters of the United States after operating beyond the Exclusive Economic Zone (EEZ)?

(a) The master, owner, operator, person-in-charge of a vessel bound for the Great Lakes or Hudson River, which has operated beyond the EEZ during any part of its voyage, regardless of intermediate ports of calls within the waters of the United States or Canada, must comply with paragraphs (c) through (f) of this section, all of § 151.2045, and with the provisions of this part 151 subpart C.

(b) A vessel engaged in the foreign export of Alaskan North Slope Crude Oil must comply with paragraphs (c) through (f) of this section, all of § 151.2045, and with the provisions of 15 CFR 754.2(j)(1)(iii). That section (15 CFR 754.2(j)(iii)) requires a mandatory

program of deep water ballast exchange (i.e., at least 2,000 meters water depth and recordkeeping), unless doing so would endanger the safety of the vessel or crew.

(c) The master, owner, operator, agent, or person-in-charge of a vessel carrying ballast water into the waters of the United States after operating beyond the EEZ, unless specifically exempted by § 151.2010 or § 151.2015, must provide the information required by § 151.2045 in electronic or written form to the Commandant, U.S. Coast Guard or the appropriate COTP as follows:

(1) *For a United States or Canadian Flag vessel bound for the Great Lakes.* You must fax the required information to the COTP Buffalo 315-764-3283 at least 24 hours before the vessel arrives in Montreal, Quebec.

(2) *For a foreign flagged vessel bound for the Great Lakes.* You must—

(i) Fax the required information to the COTP Buffalo 315-764-3283 at least 24 hours before the vessel arrives in Montreal, Quebec; or

(ii) Complete the ballast water information section of the St. Lawrence Seaway required “Pre-entry Information from Foreign Flagged Vessels Form” and submit it in accordance with the applicable Seaway notice.

(3) *For a vessel bound for the Hudson River north of the George Washington Bridge.* You must telefax the information to the COTP New York at 718-354-4249 before the vessel enters the waters of the United States (12 miles from the baseline).

(4) *For a vessel not addressed in paragraphs (c)(1), (c)(2), and (c)(3) of this section.* Before the vessel departs from the first port of call in the waters of the United States, you must—

(i) Mail the information to U.S. Coast Guard, c/o Smithsonian Environmental Research Center (SERC), P.O. Box 28, Edgewater, MD 21037-0028; or

(ii) Transmit the information electronically to the NBIC at www.serc.si.edu/invasions/ballast.htm; or

(iii) Fax the information to the Commandant, U.S. Coast Guard, c/o the NBIC at 301-261-4319.

(d) If the information submitted in accordance with paragraph (c) of this section changes, you must submit an